

REMARKS

Claims 29-50 are in the application of which claims 29 and 40 are in independent form.

An appendix below shows changes to the claims.

Claims 29, 32-35, 40-42 & 46-50. Claims 29, 32-35, 40-42 & 46-50 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over admitted prior art (APA) (FIG. 1 and FIG. 9).

The Office action, p. 3, states:

“APA does not explicitly disclose the semiconductor capacitor operating in depletion mode to provide decoupling capacitance between the first and second conductors.

“However, this limitation ‘depletion mode’ is an operating function of device rather than a structure of device. Claims directed to apparatus must be distinguished from the prior art in terms of structure rather than function.” (citing *In re Danly*, Hewlett-Packard Co. v. Bausch & Lomb Inc.).

Without conceding the correctness or applicability of these statements and cases, it is noted that the claims are structurally different from the APA of FIGS. 1 and 9, which are inversion mode devices. (See, specification, page 13.)

A device is structurally different when it is inversion mode than when it is in depletion mode. This structural difference is illustrated on page 181 of N. Weste et al., Principles of CMOS VLSI Design (2nd Ed. 1993), which is item no. 6 in an IDS, an initialed copy of which was returned with the Office action dated November 8, 2000. Page 181 shows a schematic cross-section of a device in (a) accumulation mode, (b) depletion mode, and (c) inversion mode. As can be seen, the device is structurally different in the different modes.

Since the prior art does not teach place a decoupling capacitor in depletion mode (and, in fact, teaches away from it because there is poor decoupling capacitance in depletion mode), the rejections should be withdrawn.

Claims 30-31, 36-39 & 43-45. Claims 30-31, 36-39 & 43-45 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over APA (FIG. 9) in view of APA (FIG. 1).

These claims are dependent on allowable claims 29 and 40. Further, as shown, FIGS. 1 and 9 each are inversion mode devices and do not teach a depletion mode decoupling capacitor. Accordingly, the rejections should be withdrawn.

Note that merely because applicants do not specifically argue that certain limitations of a

claim are not in the references is not a concession that a reference or combination of references includes the limitations. That applicants do not contradict a particular statement made in the Office action is not a concession that applicants agree with it. Further, merely because applicants do not separately argue the patentability of every dependent claim is not a concession that there are not additional reasons for patentability of these dependent claims.

Applicants believe the application is in condition for allowance and respectfully request the same.

Respectfully submitted,

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An appendix with marked up claims begins on the next page.



APPENDIX:

VERSION WITH MARKINGS TO SHOW CHANGES MADE TO CLAIMS

Please amend the claims as follows.

34. (Amended) The die of claim 32, wherein the first and second diffusions are [mover] more heavily doped than the body.

45. (Amended) The die of claim 43, wherein the first and second diffusions are [mover] more heavily doped than the body.

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